

three leading health experts and doctors in the Trump administration if any of them had worked on the so-called Republican substitute. Not a one. It doesn't exist. It is just an empty answer and an imperfect answer, at best, from this administration.

I remember February 13, 2016, when Justice Scalia just passed away in a Presidential election year and Senator McConnell said, to the surprise of many of us, the following:

The American people should have a voice in the selection of their next Supreme Court Justice. Therefore, this vacancy [the Scalia vacancy] should not be filled until we have a new President.

He stated the McConnell rule in February of 2016, an election year. Here it is:

The American people should have a voice in the selection of their next Supreme Court Justice. Therefore, this vacancy should not be filled until we have a new President.

It is pretty clear, isn't it?

Well, Republican Senators all lined up behind him in this new statement of principle and denied Merrick Garland not only a hearing but even the courtesy of an office appointment for most of them. The McConnell rule is clear and unambiguous, and the 2016 Republicans dutifully fell in line behind it. They said that the American people should have the last word. An election year Supreme Court vacancy should be filled in the next Presidential term.

Senator McConnell claims that his rule really had an asterisk at the end. I don't see one. He said it really depends on which party controls the Senate. Well, that is certainly a distinction without a difference. Why should the composition of the Senate dictate whether or not the American people "should have a voice in the selection of their next Supreme Court Justice"? Either the American people have a voice regarding the future of the Court when there is a vacancy in an election year or they don't.

Four years ago, Senator McConnell said they do. Now he says they don't. It is a flip-flop and, oh, the painful contortions I see among most Republican Senators trying to rationalize posing for holy pictures 4 years ago, saying that the American people should have the last word and then 4 years later, completely reversing themselves—but they do.

This is not just some Washington debate. The stakes in this debate are important for every American. It isn't about who gets the last word on MSNBC or FOX; it is about who gets the last word when you learn someone in your family has a devastating illness and you are praying to God you have a health insurance plan that will cover it.

President Trump has made clear he wants to strike down the entire Affordable Care Act even without a substitute. That is the position the Trump administration took before the Supreme Court in a case that will be argued just days after this November 3 election.

President Trump has also made it clear that when he picks a new Supreme Court Justice, he wants them to agree with him when it comes to eliminating the Affordable Care Act.

I would say to people across America: Be prepared. If MITCH MCCONNELL gets his way, if Donald Trump gets his way, if they install a new Supreme Court Justice who has taken this oath—this political oath to following the Trump plan—all of America will be at risk because the protections of the Affordable Care Act will be eliminated by that Supreme Court.

In 2015, Donald Trump tweeted, as he often does: "If I win the Presidency, my judicial appointments will do the right thing unlike Bush's appointee John Roberts on ObamaCare." We certainly know what that means because at least on one occasion, John Roberts has kept ObamaCare alive.

Let's be clear. The Affordable Care Act is hanging in the balance in just a few days. The healthcare coverage and protections for preexisting conditions that millions of American families rely on are at risk. Republicans were never able to repeal the Affordable Care Act in the House or on the floor of the Senate—thank you, John McCain—so they want to do it in the Court. They are trying to accomplish in the Supreme Court what they cannot accomplish in Congress. If President Trump and Senator McConnell go through with their plan to jam through a Supreme Court nominee this year, the Affordable Care Act is doomed.

Did you hear last night when the chairman of the Senate Judiciary Committee announced—I saw it this morning on television. He announced that every single Republican Senator on the Senate Judiciary Committee is going to vote for the Trump nominee for the Supreme Court. We don't have a nominee yet, do we? The President said he will not announce one until Saturday of this week. Here is this announcement by the Republican chairman of the Senate Judiciary Committee: He's counted the votes. It is a done deal.

What does it tell you? It tells you it doesn't make any difference whom the President nominates—the silence of the lambs in the U.S. Senate.

If President Trump and Senator McConnell go through with this plan, America will feel it, and every family will know it. That is why my Republican colleagues refuse to give the American people the last word on November 3. They are so uncertain of the reelection of Donald Trump, they have to do this now, quickly. They are afraid he will not be renominated, that he will not be reelected, and that he will not be in a position to fill this vacancy next year. So they are breaking their own promise to the American people to respect their judgment in the selection of the Supreme Court nominee.

#### AFFORDABLE CARE ACT

Madam President, we know what is at stake as well in terms of this Na-

tion. There are 200,000 Americans—that number is likely to be confirmed in just a matter of hours, if not days—who have died of COVID-19.

You say to yourself: Well, it is a global pandemic, and people are dying everywhere.

That is true, but the rate of death in America, sadly, leads the world. It is not an indication of American greatness that the infection rate from COVID-19 in the United States of America is five times what it is in Germany. It is not an indication of American greatness when the infection rate in the United States is twice what it is in Canada. It is not a reflection of the greatness of America that, with 4½ percent of the global population, we have 20 percent of the people who have died from this pandemic. This President and this administration have utterly failed when it has come to this public health crisis—one of the most challenging in a century.

For the 6 million people who have been infected with this COVID virus in America, we pray that they will recover fully, but we know, in many cases, they will not. We know that, without the protection in the Affordable Care Act, many insurers will refuse to issue policies to these people in the future if the Republicans have their way and eliminate the Affordable Care Act.

Amy, of Huntley, IL, recently wrote to me:

Please save the ACA. Without it, caps will come back, and, with them, my children's mental health care coverage will essentially disappear. I have three children, each with varying mental health disabilities. Before the Affordable Care Act, our Blue Cross-Blue Shield plan had a maximum family lifetime cap of 100 mental health care visits.

A lifetime cap, she says, of 100 visits.

That is it. When the ACA was passed, it was like a tremendous weight had been taken off our family.

Young adults, incidentally, up to the age of 26 are protected by their families' health insurance under the Affordable Care Act. If the Trump administration, MITCH MCCONNELL, and the new Supreme Court nominee have their way, that would end. Insurance plans would no longer have to cover prescription drugs, maternity care, mental health, or addiction treatment. While still facing the opioid crisis, eliminating the Affordable Care Act would eliminate the guarantee that your son, your daughter, or someone in your family who is facing the addiction of this terrible drug would have coverage when it comes to addiction treatment.

Misty, of Gurnee, IL, wrote:

In a time where my husband is unemployed and I've been quarantined . . . losing our health care now would be absolutely devastating for my family. My husband and I are both on daily prescription meds, and we have two daughters who desperately need health care coverage as well. I am asking you to protect the Affordable Care Act.

Misty, I am going to protect the Affordable Care Act by opposing President Trump's Supreme Court nominee

because he has promised us that the nominee will eliminate the Affordable Care Act. I could not in good conscience support such a nominee.

When the Affordable Care Act goes away, as the Republicans are seeking to achieve in court and now on the floor of the Senate, Medicare would face insolvency sooner—at least 1 year sooner—and seniors would be charged more for prescription drugs. Hospitals in Illinois, especially downstate and inner city hospitals, would see significant revenue losses from the elimination of Medicaid expansion.

This is the real world, and the people who are writing to my office are doing so of their own volition to let me know what they face. This isn't just a matter of big shots in Washington who are fighting with one another to see who can get more camera time. It isn't a question of who is going to appear more on the cable TV shows. It is a question of whether we care about the families we represent.

Most families, my own included, have been through this. I know the sleepless nights when you worry about whether you have health insurance. I know what it is like to be the father of a new baby who has serious medical conditions and to have no insurance at all. I have faced it, and I will never forget it. I will never forget the families who sent me to Washington to remember them as well.

This is about more than who gets bragging rights politically at the end of the day; it is about the right of every American family to have peace of mind in knowing they have quality, affordable, accessible health insurance coverage.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. LOEFFLER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Meyers nomination?

Mr. WHITEHOUSE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from West Virginia (Mrs. CAPITO), the Senator from Wisconsin (Mr. JOHNSON), the Senator from Alaska (Mr. SULLIVAN), and the Senator from North Carolina (Mr. TILLIS).

Further, if present and voting, the Senator from Wisconsin (Mr. JOHNSON) would have voted yea.

Mr. DURBIN. I announce that the Senator from California (Ms. HARRIS),

the Senator from Vermont (Mr. SANDERS), and the Senator from Michigan (Ms. STABENOW) are necessarily absent.

The PRESIDING OFFICER (Mr. CRUZ). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 66, nays 27, as follows:

[Rollcall Vote No. 185 Ex.]

YEAS—66

Alexander	Fischer	Paul
Barrasso	Gardner	Perdue
Blackburn	Graham	Peters
Blunt	Grassley	Portman
Boozman	Hassan	Risch
Braun	Hawley	Roberts
Burr	Hoeven	Romney
Cardin	Hyde-Smith	Rosen
Carper	Inhofe	Rounds
Casey	Jones	Rubio
Cassidy	Kennedy	Sasse
Collins	King	Scott (FL)
Cornyn	Lankford	Scott (SC)
Cortez Masto	Leahy	Shaheen
Cotton	Lee	Shelby
Cramer	Loeffler	Sinema
Crapo	Manchin	Tester
Cruz	McConnell	Thune
Daines	McSally	Toomey
Duckworth	Moran	Warner
Enzi	Murkowski	Wicker
Ernst	Murphy	Young

NAYS—27

Baldwin	Gillibrand	Reed
Bennet	Heinrich	Schatz
Blumenthal	Hirono	Schumer
Booker	Kaine	Smith
Brown	Klobuchar	Udall
Cantwell	Markey	Van Hollen
Coons	Menendez	Warren
Durbin	Merkley	Whitehouse
Feinstein	Murray	Wyden

NOT VOTING—7

Capito	Sanders	Tillis
Harris	Stabenow	
Johnson	Sullivan	

The nomination was confirmed.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Andrea R. Lucas, of Virginia, to be a Member of the Equal Employment Opportunity Commission for a term expiring July 1, 2025.

Mitch McConnell, Cindy Hyde-Smith, John Thune, John Hoeven, John Boozman, David Perdue, Steve Daines, Pat Roberts, Thom Tillis, Lamar Alexander, John Cornyn, Lindsey Graham, Roger F. Wicker, Mike Braun, John Barrasso, Richard C. Shelby, Tim Scott.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Andrea R. Lucas, of Virginia, to be a Member of the Equal Employment Opportunity Commission for a term expiring July 1, 2025, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from West Virginia (Mrs. CAPITO), the Senator from Wisconsin (Mr. JOHNSON), the Senator from Alaska (Mr. SULLIVAN), and the Senator from North Carolina (Mr. TILLIS).

Mr. DURBIN. I announce that the Senator from California (Ms. HARRIS), the Senator from Vermont (Mr. SANDERS), and the Senator from Michigan (Ms. STABENOW) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote or change their vote?

The yeas and nays resulted—yeas 49, nays 44, as follows:

[Rollcall Vote No. 186 Ex.]

YEAS—49

Alexander	Fischer	Perdue
Barrasso	Gardner	Portman
Blackburn	Graham	Risch
Blunt	Grassley	Roberts
Boozman	Hawley	Romney
Braun	Hoeven	Rounds
Burr	Hyde-Smith	Rubio
Cassidy	Inhofe	Sasse
Collins	Kennedy	Scott (FL)
Cornyn	Lankford	Scott (SC)
Cotton	Lee	Shelby
Cramer	Loeffler	Thune
Crapo	McConnell	Toomey
Cruz	McSally	Wicker
Daines	Moran	Young
Enzi	Murkowski	
Ernst	Paul	

NAYS—44

Baldwin	Hassan	Reed
Bennet	Heinrich	Rosen
Blumenthal	Hirono	Schatz
Booker	Jones	Schumer
Brown	Kaine	Shaheen
Cantwell	King	Sinema
Cardin	Klobuchar	Smith
Carper	Leahy	Tester
Casey	Manchin	Udall
Coons	Markey	Van Hollen
Cortez Masto	Menendez	Warner
Duckworth	Merkley	Warren
Durbin	Murphy	Whitehouse
Feinstein	Murray	Wyden
Gillibrand	Peters	

NOT VOTING—7

Capito	Sanders	Tillis
Harris	Stabenow	
Johnson	Sullivan	

The PRESIDING OFFICER. On this vote, the yeas are 49, the nays are 44.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Andrea R. Lucas, of Virginia, to be a Member of the Equal Employment Opportunity Commission for a term expiring July 1, 2025.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:48 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. ALEXANDER).